REMARKS

Claims 1-47 are pending. Claims 1, 3, 6, and 18 are amended. Applicants submit that no new matter has been added as a result of this amendment.

Rejection of Claims 1-3, 6-11 and 18-22 under 35 U.S.C. §112, first paragraph

Claims 1-3, 6-11 and 18-22 are rejected under 35 U.S.C. §112, first paragraph. The Examiner asserts at page 3 of the Office Action that the "disclosure of the specification does not provide adequate support for the genus of agents that specifically bind focal adhesion kinase and induce apoptosis, or for composition comprising fragments, variants or derivates of SEQ ID NO: 1." The Examiner also states at page 4 of the Office Action that "one of skill in the art cannot use the teachings of SEQ ID NO: 1 or SEQ ID NO:3 to envision the structures of fragments, variants or derivatives that will be peptides that bind to focal adhesion kinase and also induce apoptosis."

Applicants respectfully disagree.

Without acquiescing to the rejection and solely to expedite prosecution claim 1 and dependent claim thereof have been amended to recite "an agent that specifically binds focal adhesion kinase and induces apoptosis in a cell that expresses focal adhesion kinase, wherein said agent comprises the amino acid sequence of SEQ ID NO: 3.

Further, claim 6 and dependent claims thereof has been amended to recite "a composition comprising SEQ ID NO: 3, fragments or variants or derivatives thereof, wherein the composition binds focal adhesion kinase (FAK) and modulates cellular apoptosis, cell motility and cell metastasis."

Applicants have also amended claim 18 and dependent claims thereof to recite "a composition comprising a chimeric molecule comprising amino acid sequence SEQ ID NO:3, derivatives, fragments or variants thereof, and a targeting domain.

Claim 2 has been cancelled.

In view of these amendments, Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection of Claims 1 under 35 U.S.C. §102(b)

Claim 1 has been rejected under 35 U.S.C. §102(b) in view of Hungerford (The Journal of Cell Biology 135(5): 1383-1390 1996).

The Examiner states at page 5 of the Office Action that "Hungerford teaches separately a peptide and an antibody that each binds to focal adhesion kinase and causes [a] cell to undergo apoptosis…[t]herefore, Hungerford teaches an agent that is the same as that claimed."

Without acquiescing to the rejection and solely to expedite prosecution claim 1 and dependent claims thereof have been amended to recite "an agent that specifically binds focal adhesion kinase and induces apoptosis in a cell that expresses focal adhesion kinase, wherein said agent comprises the amino acid sequence of SEQ ID NO: 3.

Applicants assert that the Hungerford reference does not teach or suggest SEQ ID NO: 3.

In view of the above, Applicants request reconsideration and withdrawal of the rejection.

Rejection of Claims 1, 2, 6-11, 18 and 21 under 35 U.S.C. §102(e)

Claims 1, 2, 6-11, 18 and 21 have been rejected under 35 U.S.C. §102(e) in view of Sauk (U.S. 7,361,730).

The Examiner states at page 5 of the Office Action that "Sauk teaches a peptide that has the same sequence as that of SEQ ID NO: 1."

Without acquiescing to the rejection and solely to expedite prosecution claim 1 and dependent claim thereof have been amended to recite "an agent that specifically binds focal adhesion kinase and induces apoptosis in a cell that expresses focal adhesion kinase, wherein said agent comprises the amino acid sequence of SEQ ID NO: 3."

Further, claim 6 and dependent claims thereof has been amended to recite "a composition comprising SEQ ID NO: 3, fragments or variants or derivatives thereof, wherein the composition binds focal adhesion kinase (FAK) and modulates cellular apoptosis, cell motility and cell metastasis."

Applicants have also amended claim 18 and dependent claims thereof to recite "a composition comprising a chimeric molecule comprising amino acid sequence SEQ ID NO:3, derivatives, fragments or variants thereof, and a targeting domain.

Claim 2 has been cancelled.

Applicants assert that the Sauk reference does not teach or suggest SEQ ID NO: 3.

In view of the above, Applicants request reconsideration and withdrawal of the rejection.

Rejection of Claims 1-3, 6-11, 18 and 21 under 35 U.S.C. §102(e)

Claims 1, 2, 6-11, 18 and 21 have been rejected under 35 U.S.C. §102(e) in view of Sauk and further in view of Bermudes (U.S. 6,962,696).

The Examiner states at page 7 of the Office Action that "Sauk teaches a peptide that comprises the same amino acid sequence as that of SEQ ID NO: 1 of the instant application. Sauk fails to teach the use of HIV TAT protein. However, Bermudes teaches the use of TAT to enable internalization of polypeptides...it would have been...obvious to

one of skill in the art to have combined the teachings of Sauk with those of Bermudes to make the claimed invention."

Applicants respectfully disagree.

Without acquiescing to the rejection and solely to expedite prosecution claim 1 and dependent claim thereof have been amended to recite "an agent that specifically binds focal adhesion kinase and induces apoptosis in a cell that expresses focal adhesion kinase, wherein said agent comprises the amino acid sequence of SEQ ID NO: 3.

Further, claim 6 and dependent claims thereof has been amended to recite "a composition comprising SEQ ID NO: 3, fragments or variants or derivatives thereof, wherein the composition binds focal adhesion kinase (FAK) and modulates cellular apoptosis, cell motility and cell metastasis."

Applicants have also amended claim 18 and dependent claims thereof to recite "a composition comprising a chimeric molecule comprising amino acid sequence SEQ ID NO:3, derivatives, fragments or variants thereof, and a targeting domain.

Claim 2 has been cancelled.

Applicants assert that none of the Sauk reference, the Bermudes reference or their combination, teaches or suggests SEQ ID NO: 3.

In view of the above, Applicants request reconsideration and withdrawal of the rejection.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By: /Elizabeth Spar/
Elizabeth Spar
Registration No.: 45,123
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 239-0575
Attorneys/Agents For Applicant